

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

**Civil Action No. 1:09-cv-11156-JLT**

UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; KATHLEEN  
SEBELIUS, in her official capacity as the Secretary  
of the United States Department of Health and  
Human Services; UNITED STATES  
DEPARTMENT OF VETERANS AFFAIRS; ERIC  
K. SHINSEKI, in his official capacity as the  
Secretary of the United States Department of  
Veterans Affairs; and the UNITED STATES OF  
AMERICA,

Defendants.

**OPPOSITION OF THE COMMONWEALTH OF MASSACHUSETTS  
TO MOTION TO INTERVENE AND MOTION TO  
AMEND, REVISE, OR VACATE JUDGMENT**

By motion filed July 19, 2010 [Dkt. No. 59], Mark A. Thomas moved to intervene in this action and further moved to amend, revise, or vacate judgment. The Commonwealth of Massachusetts opposes Mr. Thomas's motion for the reasons set forth in its prior responses to Mr. Thomas's motions [Dkt. Nos. 12, 41, & 54] and for the reasons set forth in the Court's earlier Orders denying intervention [Dkt. Nos. 45 & 55].

Dated: July 23, 2010  
Boston, Massachusetts

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
ATTORNEY GENERAL  
MARTHA COAKLEY

/s/ Jonathan B. Miller

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**CERTIFICATE OF SERVICE**

I, Jonathan B. Miller, hereby certify that this document filed through the ECF system shall be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be sent by first-class mail postage prepaid to:

Mark A. Thomas  
482 Beacon Street  
Boston, MA 02115  
*Proposed Intervenor*

/s/ Jonathan B. Miller  
Jonathan B. Miller  
Assistant Attorney General